

REMARKS

This responds to the Office Action mailed on January 20, 2008. Claims 1-15 are amended. No claims are added or currently canceled. Claim 16 was previously canceled without prejudice or disclaimer. As a result, claims 1-15 remain pending in this patent application.

Applicant respectfully submits that the amendments to the claims are fully supported by the specification and no new matter has been added. Applicant hereby respectfully requests further examination and reconsideration of the application in view of the following remarks.

§103 Rejection of the Claims

Claims 1-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kearney (U.S. Patent No. 5,424,209) in view of Vellinger et al. (U.S. Patent No. 7,198,940) and Pfaller (U.S. Patent No. 6,329,195). In view of the foregoing amendment and the following remarks, Applicant respectfully traverses this rejection.

Applicant cannot find in the references, in combination with the reasoning set forth in the Office Action, “continuously microscopically observing the at least one cell culture inside the at least one cell culture chamber, without samples of the cell culture being taken over the duration of an experiment, wherein continuous microscopic observation is performed using a camera including a microscope attachment, the camera being disposed on a displaceable table for movement of the camera with respect to the cell culture chamber; [and] moving the camera with respect to the cell culture chambers while programming movement positions of the camera” as recited in amended independent claim 1.

The final Office Action, mailed January 10, 2008, (“the Office Action”) at page 5 admits that “Kearney does not expressly teach a method wherein the cell culture is permanently microscopically observed.” Instead, the Office Action seems to contend that Vellinger et al. remedies this deficiency of Kearney. However, while Vellinger et al. appears to include a camera (see Vellinger et al. at col. 8, lines 11-50; and Figs. 9 and 10), Applicant cannot find any description in Vellinger et al. related to a camera “disposed on a displaceable table for movement of the camera with respect to the cell culture chamber; [and] moving the camera with respect to

the cell culture chambers while programming movement positions of the camera", as recited in claim 1. Neither the Office Action nor the Advisory Action cite to any aspects of the proposed combination for these recitations of claim 1. As such, Applicant submits that Kearney, Vellinger et al., and Pfaller, alone or in combination, apparently lack description related to a movable camera, such as that which is recited in amended claim 1. Accordingly, for at least these reasons, Applicant respectfully submits that the references, in combination with the reasoning set forth in the Office Action, do not show each and every recitation of claim 1.

Dependent claims 2-15 depend from and incorporate the features of independent claim 1. For at least reasons analogous to those stated above with respect to claim 1, claims 2-15 are accordingly believed to be patentable. For brevity, Applicant defers (but reserves the right to present) further remarks, such as concerning any dependent claims, which are believed separately patentable.

For at least these reasons, Applicant submits that claims 1-15 are allowable over the references, in combination with the reasoning set forth in the Office Action, and respectfully requests reconsideration and withdrawal of this rejection.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

10 Dec. '08
By _____
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 10 day of December 2008.

Name

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Signature

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